



W.P.(MD)No.9319 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.10.2023

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.9319 of 2021

and

W.M.P.(MD)No.7042 of 2021

C.Chandrasekaran

.. Petitioner

Versus

- 1.The Director,
National Highways Authority of India,
No.DP 34, Sri Towers, South Phase,
3rd Floor, Guindy,
Chennai - 600 032.
- 2.The District Collector,
Virudhunagar District, Virudhunagar.
- 3.The Regional Officer,
National Highways Authority of India,
2nd and 3rd Floor, Vijayakrishna Plaza,
No.1, Lake Area,
Melur Main Road, Mattuthavani,
Madurai - 625 107.
- 4.The Project Director,
National Highways Authority of India,
Project Implementation Unit,
Madurai.

.. Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 3 and 4 from making any construction in the National Highways No.7, New National High Way No.44 from K.0/000 to 243/170 at Ettuvattam Toll Plaza, Sattur, Virudhunagar District, Tamil Nadu, in front of the petitioner's property, situated at Survey No.272/1, E.Muthulingapuram Village, Sattur Taluk, Virudhunagar District.

For Petitioner	:	Mr.C.M.Arumugam
For R1, R3 and R4	:	Mr.C.Arul Vadivel @ Sekar for M/s.C.Arulvadivel Associates
For R2	:	Ms.D.Farjana Ghoushia Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, forbearing the respondents 3 and 4 from making any construction in NH 7 in front of the property belonging to the petitioner.

2. The case of the petitioner is that he is the owner of the Punja land at Survey No.272/1, measuring an extent of 80 cents. According to the petitioner, the National Highways Authority of India [hereinafter referred to as "the NHAI"] was attempting to put up a construction in



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front of his land and thereby, restricting the access of the petitioner to his Patta land. Hence, the petitioner made a complaint in this regard and since the same was not acted upon, the present Writ Petition has been filed before this Court to forbear the NHAI from making any construction in front of the property belonging to the petitioner.

3. The fourth respondent has filed a counter affidavit and the relevant portions in the counter affidavit are extracted hereunder:-

"4. It is submitted that the writ petitioner in para 6 has stated that the authorities attached with the office of the 3rd and 4th respondents started construction work at Etturvattam Toll Plaza premises. In this regard, it is submitted that the concessionaire has made a temporary shed for carrying Pedestrian Guard Rail fabrication works for NH 44 Madurai-Kanyakumari section. The concessionaire has not constructed any permanent structure/building as stated in the petition, whereas a temporary GI sheet shed along with GI Sheet fence only has been made which is also within the NH ROW for pedestrian Guard Rail fabrication works and the same will be dismantled once the Pedestrian Guard Rail erection activities are completed. Also, the fabrication works done with the help of temporary shed is purely related to road safety and NHAI has its



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full rights to execute the works within NH boundary.

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5. It is further submitted that the Ministry has issued guidelines regarding Grant of Permission for construction of access to various establishments situated along the National Highways (i.e) Fuel stations, Private Properties, Rest Area complexes and such other facilities and its subsequent amendments from time to time with focus on enabling smooth flow of traffic, Minimum interference from vehicles entering the Right of Way of a National Highways, safety of road users etc. It is submitted that the Writ Petitioner in para 7 has stated that, he decided to construct a commercial building but the Petitioner has not submitted any access permission to the Authority as per the Ministry's Guidelines."

4. Heard Mr.C.M.Arumugam, learned counsel appearing on behalf of the petitioner, Mr.C.Arul Vadivel @ Sekar, learned counsel appearing on behalf of the NHA and Ms.D.Farjana Ghoushia, learned Special Government Pleader appearing on behalf of the second respondent.

5. It is clear from the stand taken by the NHA that they are only putting up temporary G1 sheet shed for the purpose of carrying out the Pedestrian Guard Rail erection activities. It is has been stated in the



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counter affidavit that once the work is over, the temporary shed will be removed. It is therefore clear that the NHAI is not intending to put up any permanent structure in front of the Patta land belonging to the petitioner. Therefore, if the petitioner wants to use the property for any other purpose, he can always proceed further to seek for necessary permission and utilise the property. In the meantime, after completion of the Pedestrian Guard Rail erection work, the temporary shed will be removed by the NHAI and thereby, the petitioner will have clear and free access to his Patta land. The fourth respondent shall remove the temporary G1 sheet shed within a period of ten months from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of in the above terms. No costs.

Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
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